

**PERTAINING TO THE AMENDMENTS OF THE CALVERT COUNTY ZONING  
ORDINANCE (CALVERT COUNTY ZONING ORDINANCE, ARTICLE 4 -  
GENERAL REQUIREMENTS FOR DEVELOPMENT PLANS, ARTICLE 5 -  
RESIDENTIAL DEVELOPMENT REQUIREMENTS, ARTICLE 6 - NON-  
RESIDENTIAL DEVELOPMENT REQUIREMENTS, AND ARTICLE 12  
DEFINITIONS) (Text Amendment Case No. 19-04)**

**WHEREAS**, Title 4 of the *Land Use Article* of the Maryland Annotated Code, as amended, empowers the Board of County Commissioners of Calvert County, Maryland (the "Board of County Commissioners") to enact a Zoning Ordinance to promote the health, safety and welfare of the citizens of Calvert County, and to provide for its administration, enforcement and amendment;

**WHEREAS**, by Ordinance 35-06, the Board of County Commissioners of Calvert County, Maryland has heretofore adopted the Calvert County Zoning Ordinance;

**WHEREAS**, after study and evaluation, the Calvert County Department of Planning & Zoning recommended to the Planning Commission and the Board of County Commissioners text amendments to the Calvert County Zoning Ordinance ("CCZO"), Article 4 - General Requirements for Development Plans, Article 5 - Residential Development Requirements, Article 6 - Non-Residential Development Requirements, and Article 12 Definitions;

**WHEREAS**, after due notice was published, the Board of County Commissioners and the Planning Commission of Calvert County, Maryland (hereinafter, the "Planning Commission") conducted a joint public hearing on January 28, 2020, at which time the proposed amendments were discussed, staff's recommendations were considered, and public comment was solicited;

**WHEREAS**, at the conclusion of said public hearing the Planning Commission voted to recommend adoption of the amendments and conveyed its recommendation to the Board of County Commissioners by Resolution; and

**WHEREAS**, after considering the staff report, testimony presented at the public hearing regarding the proposed text amendments, and the recommendation of the Planning Commission, and in furtherance of the public health, safety and welfare, the Board of County Commissioners of Calvert County, Maryland determined it is in the best interest of the citizens of the County to enact the text amendments to the Calvert County Zoning Ordinance as set forth in Exhibit A, attached hereto and made a part hereof.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Calvert County, Maryland, Article 4 - General Requirements for Development Plans, Article 5 - Residential Development Requirements, Article 6 - Non-Residential Development Requirements, and Article 12 Definitions, of the CCZO **BE**, and hereby **IS**, amended by adopting the text

BK0061PG0002

Ordinance No. 14-20

RE: Text Amendment Case No. 19-04  
Amendments to the Calvert County Zoning Ordinance  
RE: Proposed to Change Conceptual Site Plan  
Review from Optional to Mandatory

Page 2 of 2

amendments as shown in attached Exhibit A hereto and made a part hereof (Exhibit B depicts the amendments as they will actually appear in the Zoning Ordinance).

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance or the Calvert County Zoning Ordinance, is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid.

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective upon recordation and without publication of a fair summary, but not sooner than ten (10) days following adoption.

**DONE**, this 9<sup>th</sup> day of June, 2020, by the Board of County Commissioners of Calvert County, Maryland.

Aye: 5  
Nay: 0  
Absent/Abstain: 0

ATTEST:

**BOARD OF COUNTY COMMISSIONERS  
OF CALVERT COUNTY, MARYLAND**

Maurice L. Frederick  
Karen S. Phelps, Clerk  
Maurice L. Frederick

Kelly D. McConkey  
Kelly D. McConkey, President

Mike Hart  
Mike Hart, Vice President

Approved for form and legal sufficiency  
by:

Thomas E. Hutchins  
Thomas E. Hutchins

Earl F. Hance  
Earl F. Hance

Steven R. Weems  
Steven R. Weems

Received for Record June 9<sup>th</sup> 2020  
at 3:33pm o'clock PM Same day  
recorded in Liber KPS No. 6.7  
Folio 1 COUNTY COMMISSIONERS  
ORDINANCES AND RESOLUTION.

Garry P. Smith



| <b>4-2 GENERAL REQUIREMENTS FOR DEVELOPMENT PLANS</b>  |    |    |   |
|--|----|----|---|
|  |    |    | Approval of development plans is required in order to ensure that new development complies with all Zoning Ordinance and agency requirements, thereby promoting the health, safety, and general welfare of Calvert County residents. Development plans are reviewed for compliance with the Calvert County Zoning Ordinance, Subdivision Regulations, and Town Center Zoning Ordinances, and consistency with the Comprehensive Plan, Town Center Master Plans, and design standards. |
| 4-2.01   |    |    | <b>Development Plan Review</b>  |
|  | A. |    | Types of Development Plans Subject to Review. There are <del>two</del> <b>three</b> types of development plans that are subject to review – <b>Category I</b> site plans, <b>Category II</b> site plans and plot plans. <sup>1</sup>  |
|  | B. |    | <b>Site Plans (Conceptual and Detailed Site Development Plans)</b>  |
|  |    | 1. | General Requirements. The general requirements for a site plan are set forth in Section 4-4.01.   |
|  |    | 2. | Development Requiring Site Plan Review:   |
|  |    | a. | <del>a</del> All commercial, industrial and institutional development except those uses listed in Section 4-2.01.C.2;   |
|  |    | b. | adaptive re-use from residential to commercial;   |
|  |    | c. | commercial uses that intensify the use or alter the traffic pattern;  |
|  |    | d. | multi-family dwellings;   |
|  |    | e. | single-family attached dwellings (three units or more);   |
|  |    | f. | manufactured home communities;  |
|  |    | g. | places of worship; and/or   |
|  |    | h. | public facilities and quasi-public facilities.  |
|  |    | 3. | Category I Site Plans. Category I site plans and manufactured home communities. Institutional, local governmental, commercial, mixed use, and industrial development are also Category I site plans if any of the following criteria are met:   |
|  |    | a. | the cumulative square footage of any new construction (new buildings, <del>and</del> additions to existing buildings <b>and parking areas</b> ) is more than <del>5000</del> <b>7,500</b> square feet; or   |
|  |    | b. | the vehicular traffic within an existing development project will be altered; or  |
|  |    | c. | the proposed development includes an automobile filling and/or service station, car wash, fast food restaurant, bank, or any use involving a drive-through/drive-up service.  |
|  |    | 4. | Category II Site Plans. <b>Category II site plans are for</b> <del>All other site plans development</del> not specified in <del>3a, 3b, or 3c above</del> Section 4-2.01.B.3., above, or in Section 4-2.01.C.1.-2.a.-h., below, and shall include but not be limited to: <b>are classified as Category II site plans.</b>   |
| <sup>1</sup> Note: the method for review of temporary structures will be based upon the proposed use of the structure. For example, a greenhouse being used for commercial purposes will be treated as a commercial building. A greenhouse being used in association with farming will be treated as a farm building. A greenhouse associated with a residence will be treated as a residential accessory structure. |    |    |   |



BK006 | PG0004

|  |    |   |   |
|--|----|---|---|
|  |    | a.  | communication towers;   |
|  |    | b.  | farm buildings or structures for commercial, agritourism, ecotourism, and heritage tourism use; and/or  |
|  |    | c.  | parking lot modifications.  |
|  | C. | Plot Plans.   |   |
|  |    | 1.  | General Requirements. The general requirements for plot plans are set forth in Section 4-4.02.  |
|  |    | 2.  | Development Requiring Plot Plan Review:   |
|  |    | a.  | single-family homes;  |
|  |    | b.  | single-family attached dwellings (two units only);  |
|  |    | c.  | residential accessory uses;   |
|  |    | d.  | single-family residential projects and/or additions;  |
|  |    | e.  | home occupations;   |
|  |    | f.  | minor <sup>2</sup> commercial accessory uses;   |
|  |    | g.  | minor commercial remodeling without additions; and/or   |
|  |    | h.  | farm buildings, not for commercial, agritourism, ecotourism, or heritage tourism use.   |
|  | D. | Planning Commission Review of Category I and Category II, Conceptual and Detailed Site Development Plans. |   |
|  |    | 1.  | The Planning Commission shall review and approve or disapprove all Category I and Category II site plans, and any major revisions thereto.  |
|  |    | 2.  | The Planning Commission may delegate to the Planning Commission Administrator, the authority to review and approve or disapprove Category I detailed site development plans and any revisions thereof, Category II, conceptual site plans and Category II detailed site development plans, and any revisions thereof, subject to the following:   |
|  |    | a.  | the Category I detailed site development plans must reflect the approved Category I conceptual plan and any conditions imposed by the Planning Commission; and/or   |
|  |    | b.  | any major modifications or deviations in the submitted detailed site development plan from its approved conceptual site plan shall require approval by the Planning Commission or its designee.   |
|  |    | 3.  | If the Planning Commission makes the delegation permitted in sub-paragraph '2' of this Section, the Planning Commission shall, upon the request of any person aggrieved by a decision of the Planning Commission Administrator, review the decision of the Planning Commission Administrator, provided that such request is received by the Planning Commission within 30 days of the date of the Planning Commission Administrator's final decision. |
|  | E. | Department of Planning and Zoning Review of Development Plans.  |   |
|  |    | 1.  | The Zoning Officer shall approve or disapprove plot plans and revisions to plot plans. The Zoning Officer shall determine when a plot plan requires site plan review, based upon the criteria contained in Section 4-2.01.B.2 herein.   |
|  |    | 2.  | The Zoning officer shall determine the submittal requirements for proposed modifications to approved plot plans. Where new drawings are determined to be required, they shall be submitted to the Division of Inspections and Permits for distribution of the revised plans to appropriate agencies for comments, consideration and approval or rejection.  |

<sup>2</sup> Minor application does not intensify a use or alter the traffic pattern.



BK0061PG0005

|        |  |   |
|--------|--|---|
|        | F.   | A plat, or a stamped survey, from a registered Surveyor may be required when zoning approval and/or approval of all or part of a site plan and/or plot plan requires the determination of the location of, or relationships among, existing and proposed physical and/or legal site conditions. Such physical conditions include, but are not limited to, structures, roadways, wetlands, slopes, water bodies, and cliff edges. Such legal site conditions include, but are not limited to, property lines, lateral lines, easements, harbor lines, buffers, setbacks, rights of way, and zoning lines.  |
| 4-2.02 | <b>Review Procedures</b>   |   |
|        | A.   | The Planning Commission Administrator, in cooperation with the Director of the Department of Public Works and the Director of Planning & Zoning, shall establish appropriate procedures and application forms necessary to ensure adequate review and processing of <b>conceptual and/or detailed</b> site development plans in a timely manner (including a submittal time-frame) consistent with this Ordinance. Included shall be a checklist that shall show all information required for site plan <b>and plot plan</b> submittal. The checklist shall be available at the Department of Planning & Zoning. Procedures are to be approved by the <b>Planning Commission County Administrator</b> . Review fees are set by the Board of County Commissioners. |
|        | B.   | <b>Conceptual Site Plan Review</b>  |
|        | 1.   | Conceptual site plan review and approval is <b>encouraged-mandatory</b> for all development listed under Section 4-2.01.B.2.A., conceptual site plan must be approved for all Category I and Category II <b>Site Plans</b> development prior to submittal of a detailed site development plan application. <b>The purpose of concept plan review is to resolve problems before extensive engineering begins.</b> Recommendations and comments received at <b>Concept Review</b> during conceptual review may change during full subsequent review of the detailed site development plan. <b>and should not be considered as binding.</b>  |
|        | 2.   | <b>The Planning Commission Administrator shall develop procedures for submittal and review of concept plans.</b> When a development is required to obtain both site plan and subdivision approval, the applicant may request to combine the conceptual site plan and conceptual subdivision plan into one application. Review fees for combined conceptual plans will be based upon the combined site plan and subdivision review fees.   |
|        | C.   | <b>Detailed Site Development Plan Review</b>  |
|        | 1.   | Detailed site development plan review and approval is mandatory for all development listed under Section 4-2.01.B.2. Final detailed site development plan approval must be obtained prior to the issuance of building permits for all Category I and Category II development.   |
|        | 2.   | No structural development associated with a site plan or plot plan may be constructed under a grading permit alone (e.g. parking lot, ball field, playground, bathrooms, etc.) prior to receiving final plan approval.  |
| 4-2.03 | <b>Agency Comments</b>   |   |
|        | Prior to approval of any Category I or Category II site plan by either the Planning Commission or <b>the Department of Planning &amp; Zoning its designee</b> , and in accordance with <b>Article 66B, Section 3.05 the Land Use Article</b> of the Annotated Code of Maryland, comments shall be requested from <b>the review agencies included in the Technical Evaluation Group (TEG) as maintained by the Department of Planning &amp; Zoning. other agencies, including but not limited to: Department of Planning &amp; Zoning; Engineering Bureau, Transportation Bureau, Bureau of Utilities, (bureaus of the Department of Public</b> |   |



|        |   |   |  |
|--------|---|---|--|
|        | <b>Works); Fire/Rescue/EMS Division of Department of Public Safety; Department of Economic Development; State Highway Administration; Calvert County Health Department; Soil Conservation District.</b> |   |  |
| 4-2.04 | <u>Expiration of Site Plan Approvals and Vesting</u>  |   |  |
|        | A.  | Expiration of Site Plan Approvals   |  |
|        |   | The following expiration provisions shall apply to all site plan applications, including site plan applications submitted prior to the effective date of this section of the Ordinance ( <del>10/31/10</del> <b>Adoption Date</b> ).  |  |
|        | 1.  | <b>Category I Conceptual Site Plans (Category I and Category II)</b>  |  |
|        | a.  | An application for a <b>Category I</b> <del>conceptual</del> site plan shall expire <del>24</del> <b>12</b> months after it has been accepted for review unless conditional approval has been granted by the Planning Commission <del>or its designee</del> .   |  |
|        | b.  | <del>Conditional a</del> Approval of a <b>Category I</b> <del>conceptual</del> site plan shall expire <del>24</del> <b>12</b> months after it has been granted <del>unless final approval is granted</del> , unless a detailed site development plan application has been accepted by the Department of Planning & Zoning for distribution and review.  |  |
|        | c.  | <del>If conditional approval of a Category I site plan has been received, but final approval is delayed because of the inadequacy of public schools or roads, the running of the 24-month period between conditional approval and final approval shall be tolled for the periods during which the inadequacy of the public schools or roads has delayed final approval. See Section 7-1.05 and Section 6-10 for specific Adequate Public Facilities requirements.</del> |  |
|        | d.  | <del>Final approval of a Category I site plan shall expire when the site plan is no longer vested pursuant to Sub-paragraphs B.2 and B.3 of this Section.</del>   |  |
|        | e.  | <b>Extensions</b>   |  |
|        | i.  | <del>One 12-month extension to only one of the time periods listed in subparagraphs 'a', 'b', and 'd', above, may be granted by the Planning Commission, or its designee, for circumstances beyond the control of the applicant.</del>  |  |
|        | ii.   | <del>A request for extension shall be submitted, in writing, prior to the expiration date of the applicable time period.</del>  |  |
|        | iii.  | <del>If an extension of the time period described in subparagraph 'b' above is granted, the vesting period provided in subsection B. 2 a. i. below shall be extended for a like period.</del>   |  |
|        | 2.  | <b>Category II Detailed Site Development Plans (Category I and Category II)</b>   |  |
|        | a.  | An application for a <b>Category II</b> <del>detailed</del> site <del>development</del> plan shall expire 24 months after it has been accepted for review, unless final approval is granted.  |  |
|        | b.  | <del>Final approval of a Category II site plan shall expire when the site plan is no longer vested pursuant to Sub-paragraphs B.2 and B.3 of this Section.</del> Detailed site development plans shall expire 36 months after obtaining final approval, unless the criteria for vesting through construction as set forth under Section 4-2.04.B.1 a.-c. has been met.  |  |
|        | c.  | If final approval of a detailed site development plan application is delayed due to the inadequacy of public schools or roads, expiration of the application shall be tolled during the period of inadequacy, or as   |  |



|  |    |         |       |   |
|--|----|---------|-------|---|
|  |    |         |       | required to meet Adequate Public Facilities in Section 7-1.05 or Section 6-10.01.   |
|  |    |         | e.-d. | Extensions of Conceptual and Site Development Plan Approvals  |
|  |    |         | i.    | <del>Only one 12-month extension may be granted by the Planning Commission Administrator</del> One 12-month extension to only one of the time periods listed in Section 4-2.04.A.1.a.-b. and Section 4-2.04.A.2.a.-b., sub-paragraphs A.1.a.-b. or A.2.a.-b., above, may be granted by the Planning Commission, or its designee, for circumstances beyond the control of the applicant, <del>during the time period listed in subparagraph 'a' or 'b', above.</del> |
|  |    |         | ii.   | A request for extension shall be submitted, in writing, prior to the expiration date of the applicable time period.   |
|  |    |         | iii.  | If an extension of <del>the a</del> time period described in sub-paragraph 'b' <del>d.i.</del> above is granted, the vesting period provided in sub-section B.1 <del>2.a.ii</del> , below, shall be extended for a like period.   |
|  | B. | Vesting |       |   |
|  |    | 1.      |       | <b>Definitions. In this section the following definitions shall apply:</b>  |
|  |    |         | a.    | <del>"Vested right" shall mean a right that is protected from legislative interference to the extent that an applicant may develop a site plan without the plan having to conform to changes to zoning and development regulations enacted after either conditional or final approval as the case may be.</del>   |
|  |    |         | b.    | <del>"Grandfathered site plan" shall mean a detailed site development plan application that has been permitted by prior legislation to proceed under regulations that have been superseded.</del>   |
|  |    | 2.      |       | <b>Initial Vesting</b>  |
|  |    |         | a.    | <b>Category I and Category II Site Plans</b>  |
|  |    |         | i.    | <del>Applicants that have received conditional approval of a Category I site plan shall have a vested right in the conditionally approved plan for 36 months from the date of conditional approval.</del>   |
|  |    |         | ii.   | <del>Applicants that have received final approval of a Category II site plan shall have a vested right in the approved plan for 36 months from the date of final approval.</del>  |
|  |    |         | b.    | <del>If conditional approval of a Category I site plan has been received, but final approval is delayed because of the inadequacy of public schools or roads, the running of the 36-month vesting period shall be tolled for the periods during which the inadequacy of the public schools or roads has delayed final approval.</del>   |
|  |    |         | c.    | <del>Applicants that have vested rights as provided in subparagraph 'a' above shall have a vested right in the approval of architectural plans, if required, associated with the vested site plan for as long as the approval of the site plan is vested.</del>   |
|  |    |         | d.    | <del>The vested right granted by this subsection applies only to the zoning regulations applied to and incorporated in the site plan and architectural plans, if required. Vesting does not apply to any zoning regulations that were in effect but not applied to and incorporated in a site plan at the time of its approval.</del>   |



|  |           |             |  |
|--|-----------|-------------|--|
|  |           | <b>3.1.</b> | Vesting Through Construction. At the end of the 36-month period described in sub-paragraph section 'A.2.a b.' above, the applicant shall be vested in the detailed site development plan if:   |
|  |           | a.          | There is actual physical commencement of some significant and visible construction;  |
|  |           | b.          | The commencement must be undertaken in good faith with the intention to continue the construction and to carry it through to completion in a commercially reasonable manner; and   |
|  |           | c.          | The commencement of construction must be pursuant to all necessary permits that have been validly issued.  |
|  |           | <b>2.</b>   | One 12-month extension to meet the vesting criteria described in sub-section A.1.a.-c. above, may be granted by the Planning Commission, or its designee, for circumstances beyond the control of the applicant.   |
|  |           | <b>4.3.</b> | Grandfathered Detailed Site Development Plans  |
|  |           | a.          | A grandfathered Category I detailed site development plan that has received conditional approval or a grandfathered Category II detailed site development plan that has received final approval shall be vested in that approved site plan until valid for 24 months two years after the effective approval date of this Section (10/13/10). After that time, such site plans shall continue to be vested only if the three conditions in sub-paragraph '3' '1' of this Section are met. |
|  |           | b.          | The vested grandfathered rights granted by this sub-section applies only to the regulations applied to and incorporated in the detailed site development plan and not to any regulations that may have been superseded after the grant of conditional approval.  |
|  |           | c.          | A grandfathered Category I detailed site development plan that has not received conditional approval or a grandfathered Category II site plan that has not received final approval shall lose the vested grandfathered rights granted by this sub-section immediately upon the enactment of this provision (10/13/10 date of adoption).  |
|  |           | d.          | No vesting extensions shall be granted to grandfathered detailed site development plans.   |
|  | <b>C.</b> |             | <b>Phased Development</b>  |
|  |           | <b>1.</b>   | If a development is to be constructed in sections or phases, then those sections or phases must be shown on the detailed site development plan for review and approval. The sections or phases shall be numerically labeled and included in the Sequence of Construction.  |
|  |           | <b>2.</b>   | Bonding for the development may be in whole or by phase, provided that the bonding amounts adhere to the approved Phasing Plan.  |
|  |           | <b>3.</b>   | If an applicant wishes to amend the phasing plan or Sequence of Construction after final approval is obtained, a revised detailed site development plan must be submitted to the Department of Planning & Zoning for review and approval pursuant to Section 4-2.05.   |
|  |           | <b>4.</b>   | Building and grading permits may be issued so that two or more sections or phases are concurrently under active construction, unless prohibited by detailed site development plan approval.  |
|  |           | <b>5.</b>   | Each phase shall be vested separately by meeting the requirements pursuant to Section 4-2.04.B.1.  |
|  |           | <b>6.</b>   | All supplemental plans must be consistent with the approved phasing plan.  |



|        |  |   |
|--------|--|---|
| 4-2.05 | Modifications after Approval of a <b>Category I and Category II Detailed Site Development Plan</b>   |   |
|        | A.   | Modifications to Site Plans <b>After Final Approval:</b>  |
|        | 1.   | Proposed modifications to any approved site plan shall be submitted to the Planning Commission Administrator.   |
|        | 2.   | The Planning Commission Administrator shall determine if the modification is major or minor. A minor modification is a modification that does not change the intensity of the use or alter the traffic pattern. A major modification is a modification that changes the intensity of the use, or alters the traffic pattern, or both.   |
|        | 3.   | If <b>an approved the-detailed site development plan is to be modified, is-a Category I site plan and the modification is determined to be major,</b> the applicant shall submit new <b>drawings plans showing the proposed modification in "red-line"</b> to the Department of Planning <b>and &amp; Zoning</b> , which shall distribute the <b>drawings new plans</b> to the appropriate agencies for comments. The proposed modification shall be considered and approved or rejected by the Planning Commission <b>Administrator. If the proposed revision is a major modification to an approved conceptual site plan or approved detailed site development plan, then the Planning Commission Administrator shall refer the modified plan to the Planning Commission for consideration and, if appropriate, approval.</b> |
|        | 4.   | <b>If the site plan to be modified is a Category II site plan and/or the modification is determined to be minor, the applicant shall indicate the change on the previously submitted plan and submit the modified plan to the Department of Planning and Zoning, which shall distribute the plan to appropriate agencies for comments. The proposed modification shall be considered and approved or rejected by the Planning Commission Administrator. Prior to the release of bonds and/or issuance of use and occupancy permits, an "as-built" is required to be submitted to the Department of Planning &amp; Zoning.</b>   |
|        | B.   | <del>Modifications to plot plans. Section deleted 09/21/10. See Section 4-2.01 E.2.</del>   |
| 4-4    | <b>PLAN PREPARATION</b>  |   |
| 4-4.01 | <b>Site Plans (Conceptual and Detailed Site Development Plans)</b>   |   |
|        | <del>The following is a list of general requirements for Category I and Category II site plans. Section 4-2.01 lists the types of projects that require site plans. The Department of Planning &amp; Zoning shall provide a detailed checklist of all items to be submitted with conceptual and detailed site development plan applications.</del> |   |
|        | A.   | <del>The project's name. The use of local place names is encouraged.</del>  |
|        | B.   | <del>The name, mailing and e-mail addresses, phone number and signature of the landowner(s) and developer(s).</del>   |
|        | C.   | <del>The name, address, phone number, signature and seal of the professional(s) responsible for the site plan.</del>  |
|        | D.   | <del>Sheet sizes shall be 8 inches by 24 inches or 24 inches by 36 inches.</del>  |
|        | E.   | <del>Plan legend, date, number of pages, scale, and north arrow.</del>  |
|        | F.   | <del>Existing natural features such as, but not limited to:</del>   |
|        | 1.   | <del>topography;</del>  |
|        | 2.   | <del>floodplain areas;</del>  |
|        | 3.   | <del>significant mineral resources; and/or</del>  |



BK 0061PG0010

|     |  |  |
|-----|--|--|
|     | 4.   | Existing and proposed forest areas, landscaping, buffering, screening, etc. including requirements of the Forest Conservation Regulations found in Section 8-3 of this Ordinance.  |
|     | G.   | Legal restrictions (such as easements, existing covenants, zoning boundaries, Town Center Sub-area boundaries, etc.).  |
|     | H.   | Location and dimension of all existing conditions and proposed site improvements such as, but not limited to:  |
|     | 1.   | existing grades and new grades;  |
|     | 2.   | lot lines;   |
|     | 3.   | roads;   |
|     | 4.   | parking areas;   |
|     | 5.   | existing buildings, including barns and historic structures;   |
|     | 6.   | the footprint and elevations of all proposed buildings and structures;   |
|     | 7.   | existing and proposed utilities;   |
|     | 8.   | existing wells, both currently in use and abandoned; and   |
|     | 9.   | information regarding all adjoining properties, including: the owner's names, deed references, land uses and zoning.   |
|     | I.   | Proposed number and location of entrance and exit driveways, widths of abutting right of ways, centerlines, road widths and grades.  |
|     | J.   | Proposed landscaping including names of plants, quantity, spacing, size at time of planting, method of root preparation, and planting details.   |
|     | K.   | Proposed types of material and dimensions of screening.  |
|     | L.   | Proposed type, location, design, dimensions and materials of signs.  |
|     | M.   | Proposed type, location, and direction of outdoor lighting.  |
|     | N.   | In chart form: total lot area, building floor area, building ground coverage, number of parking spaces, road area, open space area, number and size of buildings and/or dwelling units by type.  |
|     | O.   | Proposed commercial and industrial developments shall also include in chart form: anticipated maximum number of employees for which each building was designed, type of power to be used in manufacturing process, type of wastes or by-products produced by any manufacturing process, proposed method of storage and disposal of wastes and by-products. |
|     | P.   | Proposed multi-family developments shall provide recreation facilities including structures, play surfaces, and equipment.   |
|     | Q.   | Site Plans Shall be prepared and certified by an engineer, architect, landscape architect or land surveyor duly registered to practice in the State of Maryland.   |
|     | R.   | Stormwater management plans and computations (if required).  |
|     | S.   | The site plan shall be clearly and legibly drawn to a scale of one inch equals 40 feet (1"=40') or larger. A smaller scale may be used only if written justification is submitted to and approved by the Department of Planning and Zoning prior to the submittal of the site plan.  |
| 4-5 | <b>APPEALS</b>   |  |
|     | Upon request, decisions of the Planning Commission Administrator shall be reviewed by the Planning Commission prior to filing for an appeal. Appeals of decisions of the Planning Commission shall be noted in the Circuit Court of Calvert County. Appeals to Circuit Court shall be made in accordance with the Maryland Rules as set forth in Title 7, Chapter 200 within 30 days of the final decision of the Planning Commission. |  |



|        |  |
|--------|--|
| 5-1.12 | <b>Parking Requirements for Residential Development</b>  |
|        | <b>TABLE 5-6 MINIMUM NUMBER OF PARKING SPACES REQUIRED</b>   |
|        | <sup>13</sup> The Planning Commission <b>or its designee</b> , may grant a reduction in the number of parking spaces required for single-family attached dwelling developments for an Age-Restricted Housing Community or an Affordable Housing Community if the community is located within a Town Center that is served by a public transportation system. |

|            |  |
|------------|--|
| <b>5-5</b> | <b><i>AGE-RESTRICTED HOUSING COMMUNITIES</i></b>   |
| 5-5.01     | <b>General Requirements for Age-Restricted Housing Communities</b>   |
|            | A. Single-family Age-Restricted Housing Communities shall comply with the requirements for standard subdivisions with regard to lot density, lot size, setbacks, etc. contained in this Article and Article 7, Subdivision Regulations.  |
|            | B. Townhouse, Single-family Attached, Multi-family, and Mixed Residential Age-Restricted Housing Communities shall comply with Section 5-3.  |
|            | C. The following additional requirements shall apply to Age-Restricted Housing Communities:  |
|            | 1. The development shall include at least 20 residential units.  |
|            | 2. All units shall be either handicapped accessible or handicapped adaptable.  |
|            | 3. Covenants shall be placed on the property that specify the age-restricted nature of the proposed community. Such covenants shall require the prior approval of the Board of County Commissioners and the Planning Commission <b>or its designee</b> , and shall be in accordance with the Federal Fair Housing Act, 42 U.S.C. § 3601 et seq., the Maryland Fair Housing Law, Md. Code Ann., Art. 49B, § 19 et seq., and this Zoning Ordinance, as amended from time to time. The covenants shall provide: |

|            |   |
|------------|---|
| <b>6-4</b> | <b><i>PEDESTRIAN/ VEHICULAR FLOW</i></b>  |
| 6-4.01     | <b>Site Access</b>  |
|            | Site access shall be subject to the following regulations in order to help ensure traffic safety and alleviate traffic congestion. The proposed development shall be served by access roads adequate to safely accommodate the vehicular traffic projected to be generated by the development.  |
|            | A. Where property abuts an arterial and a secondary or collector road, access to the property shall be by way of the secondary or collector road. Exceptions to this rule shall be instances where the Planning Commission <b>or its designee</b> , determines that direct access onto the arterial would promote traffic safety.                     |
|            | B. Where one or more contiguous parcels abutting an arterial are under single ownership and any one of the parcels abuts a secondary or collector road, access to all of the parcels under single ownership shall be by way of the secondary or collector road.   |
|            | C. No more than one direct access approach onto an arterial <b>road</b> shall be provided to any individual parcel of record as of May 8, 1984.   |
|            | 1. Exceptions:  |
|            | a. The Planning Commission <b>or its designee</b> may, with approval by the State Highway Administration, approve one additional access if the additional access is deemed to be significantly beneficial to the safety and operation of the highway or if allowing only one access approach would be a safety hazard or increase traffic congestion. |



|  |  |  |    |   |
|--|--|--|----|---|
|  |  |  | b. | The Planning Commission <b>or its designee</b> , may approve additional access when the parcel is bisected by steep slopes and/or wetlands in such a manner as to render some portion(s) of the property inaccessible without additional road access. |
|--|--|--|----|---|

|        |   |  |   |  |
|--------|---|--|---|--|
| 6-5.04 | <u>Landscaping and Screening of Parking Areas</u> |  |   |  |
|        | A.  | Perimeter Landscaping and Screening of Parking Areas |   |  |
|        |   | 1.   | Purpose: The purpose of requiring perimeter landscaping and screening is to conceal or partially conceal parking areas and outdoor sales areas such as motor vehicle and boat dealerships from motorists, pedestrians and adjoining properties. The view into a parking area without landscaping can be unsightly and disorienting, making it difficult to read directional signs, to locate a specific building, or to find entrances, exits or roadways.  |  |
|        |   | 2.   | Requirements:   |  |
|        |   | a.   | Parking areas shall be landscaped and screened from view of motorists, pedestrians and adjoining residential or agricultural properties or properties with a non-compatible use.  |  |
|        |   | b.   | Planting materials shall be installed at a minimum height of two feet to three feet utilizing a combination of shrubs with varying heights, colors, and textures. The planting materials shall have the potential of reaching a height of at least three feet within three years.   |  |
|        |   | c.   | Brick walls or decorative fencing may be used in conjunction with landscaping and screening.  |  |
|        |   | d.   | If a landscaped berm is used, the height of the berm shall be a minimum of two feet. The width of the berm shall be at least twice the height. The width of the landscaped area on the berm shall be four feet or wider.  |  |
|        |   | e.   | A minimum of one tree shall be planted for every 40 linear feet of landscaped perimeter strip or fraction thereof.  |  |
|        |   | f.   | Perimeter screening shall not restrict sight distance needed for vehicular safety.  |  |
|        |   | g.   | Sites shall be permanently maintained in good condition with at least the same quality and quantity of screening materials as initially approved. If any of the plant materials required on the <b>final approved detailed site development</b> plan die or are seriously damaged, they shall be replaced so that the site remains in conformance with the approved site plan. Failure to maintain the site in accordance with the <b>final approved detailed site development</b> plan shall constitute a Zoning Violation and shall be enforced in accordance with the provisions of Section 1-7 of this Ordinance. |  |

|        |                                     |                 |   |  |
|--------|-------------------------------------|-----------------|---|--|
| 6-6.01 | <u>Outdoor Lighting Regulations</u> |                 |   |  |
|        | E.                                  | Plan Submission |   |  |
|        |                                     | 1.              | For applications where site lighting is required or proposed, lighting plans shall be submitted to the Department of Planning & Zoning for review and approval prior to approval of <del>a</del> <b>the detailed site development</b> plan, plot plan, or building permit, and shall include: |  |
|        |                                     | a.              | A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that   |  |



|  |  |  |    |   |
|--|--|--|----|---|
|  |  |  |    | might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting, and a layout of all proposed fixtures by location, mounting height and type. The submittal shall include in addition to area lighting, architectural lighting, building-entrance lighting, landscape lighting, etc.  |
|  |  |  | b. | Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods. A pole foundation detail is to be provided on the plan.  |
|  |  |  | c. | 10 feet x 10 feet illuminance-grid (point-by-point) plot of maintained footcandles, carried out to 0.0 footcandles, which demonstrates compliance with the light trespass, intensity and uniformity requirements as set forth in these regulations. The maintenance (light-loss) factor used in calculating the illuminance levels shall be documented on the plan. |

|        |   |   |  |
|--------|---|---|--|
| 6-7    | <b>APPEARANCE CODE FOR NON-RESIDENTIAL DEVELOPMENT OUTSIDE TOWN CENTERS</b> |   |  |
| 6-7.02 | Review Process  |   |  |
|        | A.  | Building elevations, demonstrating that the above criteria have been met, shall be submitted with all Category I <del>Site development</del> <b>Plans</b> for review and approval by the Planning Commission's <del>designee</del> . <b>as part of the Site Plan approval process.</b>  |  |
|        | B.  | Building elevations, demonstrating that the above criteria have been met, shall be submitted with all Category II <del>Site development</del> <b>Plans</b> for review and approval by the Planning Commission's <del>designee</del> . <b>as part of the Site Plan approval process.</b> |  |
|        | C.  | <b>Projects that are subject to architectural review and approval shall obtain the necessary approvals for all applicable exterior elements (except for signage), prior to receiving final detailed site development plan approval.</b>   |  |

|         |   |                        |   |
|---------|---|------------------------|---|
| 6-10    | <b>ADEQUATE PUBLIC FACILITIES REQUIREMENTS</b>                                    |                        |   |
| 6-10.01 | Adequate Public Facilities Requirements for Commercial and Industrial Development |                        |   |
|         | A.  | General                |   |
|         |   | 1.                     | The Planning Commission or its designee may grant <del>final detailed site development</del> plan approval of a commercial or industrial development of land subject to these regulations either in its entirety or by section only if it finds that: |
|         |   | a.                     | all roads and intersections identified by the Director of the Department of Public Works (DPW) or his designee are adequate; or   |
|         |   | b.                     | roads and intersections will be adequate within one year following final site plan approval; or   |
|         |   | c.                     | the applicant <del>provides improvements to</del> mitigates <del>for</del> the impact of the development (as determined by the Director of DPW or his designee) in accordance with paragraphs 'C.2' and 'C.3' below.                                  |
|         |   | 2.                     | This requirement does not apply to those developments that are exempt as described in Sub-Section 'C' or that receive a waiver under Sub-Section 'D' of this Section.   |
|         | B.  | Traffic Study Required |   |



|  |    |   |
|--|----|---|
|  | 1. | The proposed commercial or industrial development shall be served by roads and intersections that are adequate to safely accommodate the vehicular traffic projected to be generated by the development.  |
|  | 2. | At the applicant's expense, a traffic study conducted by a Registered Professional Engineer and approved by the Director of DPW or his designee, is required for all commercial and industrial developments as specified in the Calvert County Road Ordinance. If the Director of DPW or his designee determines that a traffic study is required, the traffic study shall be submitted and approved prior to <del>action on</del> approval of the detailed site development plan application by the Planning Commission or its designee. |
|  | 3. | The Director of DPW or his designee shall determine whether the traffic study was properly submitted and shall provide recommendations as to whether all the roads and intersections are adequate.  |

| 12                                 | DEFINITIONS  |
|------------------------------------|--|
| <u>Term</u><br>(Date of Amendment) | <u>Definition</u>  |
| Vested Right                       | A right that is protected from legislative interference to the extent that an applicant may develop a site plan without the plan having to conform to changes to zoning and development regulations enacted after conceptual or final approval as the case may be. |
| Grandfathered Site Plan            | A conceptual or detailed site development plan application that has been permitted or approved by prior legislation to proceed under regulations that have been superseded.  |
| Effective Approval Date            | Date stamped by Planning Commission Administrator on Final Site Plan.  |
| As-built                           | Set of plans submitted upon completion of a project. They reflect all changes made in the specifications and working drawings during the construction process, and show the exact dimensions, geometry, and location of all elements of the work completed.        |



| <b>4-2 GENERAL REQUIREMENTS FOR DEVELOPMENT PLANS</b>  |    |    |   |
|--|----|----|---|
|  |    |    | Approval of development plans is required in order to ensure that new development complies with all Zoning Ordinance and agency requirements, thereby promoting the health, safety, and general welfare of Calvert County residents. Development plans are reviewed for compliance with the Calvert County Zoning Ordinance, Subdivision Regulations, and Town Center Zoning Ordinances, and consistency with the Comprehensive Plan, Town Center Master Plans, and design standards. |
| 4-2.01   |    |    | <b>Development Plan Review</b>  |
|  | A. |    | Types of Development Plans Subject to Review. There are three types of development plans that are subject to review – Category I site plans, Category II site plans and plot plans.   |
|  | B. |    | <b>Site Plans (Conceptual and Detailed Site Development Plans)</b>  |
|  |    | 1. | General Requirements. The general requirements for a site plan are set forth in Section 4-4.01.   |
|  |    | 2. | Development Requiring Site Plan Review:   |
|  |    | a. | all commercial, industrial and institutional development except those uses listed in Section 4-2.01C.2;   |
|  |    | b. | adaptive re-use from residential to commercial;   |
|  |    | c. | commercial uses that intensify the use or alter the traffic pattern;  |
|  |    | d. | multi-family dwellings;   |
|  |    | e. | single-family attached dwellings (three units or more);   |
|  |    | f. | manufactured home communities;  |
|  |    | g. | places of worship; and/or   |
|  |    | h. | public facilities and quasi-public facilities.  |
|  |    | 3. | Category I Site Plans. Category I site plans are for multi-family, single-family attached (three units or more), and manufactured home communities. Institutional, local governmental, commercial, mixed use, and industrial development are also Category I site plans if any of the following criteria are met:   |
|  |    | a. | the cumulative square footage of any new construction (new buildings, additions to existing buildings and parking areas) is more than 7,500 square feet; or   |
|  |    | b. | the vehicular traffic within an existing development project will be altered; or  |
|  |    | c. | the proposed development includes an automobile filling and/or service station, car wash, fast food restaurant, bank, or any use involving a drive-through/drive-up service.  |
|  |    | 4. | Category II Site Plans. Category II site plans are for all other development not specified in Section 4-2.01.B.3, above, or in Section 4-2.01.C.1.-2.a.-h., below, and shall include but not be limited to:   |
|  |    |    |   |
|  |    |    |   |
| <sup>1</sup> Note: the method for review of temporary structures will be based upon the proposed use of the structure. For example, a greenhouse being used for commercial purposes will be treated as a commercial building. A greenhouse being used in association with farming will be treated as a farm building. A greenhouse associated with a residence will be treated as a residential accessory structure. |    |    |   |



|  |    |   |   |
|--|----|---|---|
|  |    | a.  | communication towers;   |
|  |    | b.  | farm buildings or structures for commercial, agritourism, ecotourism, and heritage tourism use; and/or  |
|  |    | c.  | parking lot modifications.  |
|  | C. | Plot Plans.   |   |
|  |    | 1.  | General Requirements. The general requirements for plot plans are set forth in Section 4-4.02.  |
|  |    | 2.  | Development Requiring Plot Plan Review:   |
|  |    | a.  | single-family homes;  |
|  |    | b.  | single-family attached dwellings (two units only);  |
|  |    | c.  | residential accessory uses;   |
|  |    | d.  | single-family residential projects and/or additions;  |
|  |    | e.  | home occupations;   |
|  |    | f.  | minor <sup>2</sup> commercial accessory uses;   |
|  |    | g.  | minor commercial remodeling without additions; and/or   |
|  |    | h.  | farm buildings, not for commercial, agritourism, ecotourism, or heritage tourism use.   |
|  | D. | Planning Commission Review of Category I and Category II, Conceptual and Detailed Site Development Plans. |   |
|  |    | 1.  | The Planning Commission shall review and approve or disapprove all Category I and Category II site plans, and any major revisions thereto.  |
|  |    | 2.  | The Planning Commission may delegate to the Planning Commission Administrator, the authority to review and approve or disapprove Category I detailed site development plans and any revisions thereof, Category II conceptual site plans and Category II detailed site development plans, and any revisions thereof, subject to the following:  |
|  |    | a.  | the Category I detailed site development plans must reflect the approved Category I conceptual plan and any conditions imposed by the Planning Commission; and/or   |
|  |    | b.  | any major modifications or deviations in the submitted detailed site development plan from its approved conceptual site plan shall require approval by the Planning Commission or its designee.   |
|  |    | 3.  | If the Planning Commission makes the delegation permitted in sub-paragraph '2' of this Section, the Planning Commission shall, upon the request of any person aggrieved by a decision of the Planning Commission Administrator, review the decision of the Planning Commission Administrator, provided that such request is received by the Planning Commission within 30 days of the date of the Planning Commission Administrator's final decision. |
|  | E. | Department of Planning & Zoning Review of Development Plans.  |   |
|  |    | 1.  | The Zoning Officer shall approve or disapprove plot plans and revisions to plot plans. The Zoning Officer shall determine when a plot plan requires site plan review, based upon the criteria contained in Section 4-2.01.B.2 herein.   |
|  |    | 2.  | The Zoning Officer shall determine the submittal requirements for proposed modifications to approved plot plans. Where new drawings are determined to be required, they shall be submitted to the Division of Inspections & Permits for distribution of the revised plans to appropriate agencies for comments, consideration and approval or rejection.  |

<sup>2</sup> Minor application does not intensify a use or alter the traffic pattern.



|        |  |  |
|--------|--|--|
|        | F.   | A plat, or a stamped survey, from a registered Surveyor may be required when zoning approval and/or approval of all or part of a site plan and/or plot plan requires the determination of the location of, or relationships among, existing and proposed physical and/or legal site conditions. Such physical conditions include, but are not limited to, structures, roadways, wetlands, slopes, water bodies, and cliff edges. Such legal site conditions include, but are not limited to, property lines, lateral lines, easements, harbor lines, buffers, setbacks, rights of way, and zoning lines.   |
| 4-2.02 | <u>Review Procedures</u>   |  |
|        | A.   | The Planning Commission Administrator, in cooperation with the Director of the Department of Public Works and the Director of Planning & Zoning, shall establish appropriate procedures and application forms necessary to ensure adequate review and processing of conceptual and/or detailed site development plans in a timely manner (including a submittal time-frame) consistent with this Ordinance. Included shall be a checklist that shall show all information required for site plan submittal. The checklist shall be available at the Department of Planning & Zoning. Procedures are to be approved by the Planning Commission. Review fees are set by the Board of County Commissioners. |
|        | B.   | <u>Conceptual Site Plan Review</u>   |
|        | 1.   | Conceptual site plan review and approval is mandatory for all development listed under Section 4-2.01.B.2.A., conceptual site plan must be approved for all Category I and Category II development prior to submittal of a detailed site development plan application. Recommendations and comments received during conceptual review may change during subsequent review of the detailed site development plan.   |
|        | 2.   | When a development is required to obtain both site plan and subdivision approval, the applicant may request to combine the conceptual site plan and conceptual subdivision plan into one application. Review fees for combined conceptual plans will be based upon the combined site plan and subdivision review fees.   |
|        | C.   | <u>Detailed Site Development Plan Review</u>   |
|        | 1.   | Detailed site development plan review and approval is mandatory for all development listed under Section 4-2.01.B.2. Final detailed site development plan approval must be obtained prior to the issuance of building permits for all Category I and Category II development.  |
|        | 2.   | No structural development associated with a site plan or plot plan may be constructed under a grading permit alone (e.g. parking lot, ball field, playground, bathrooms, etc.) prior to receiving final plan approval.   |
| 4-2.03 | <u>Agency Comments</u>   |  |
|        | Prior to approval of any Category I or Category II site plan by either the Planning Commission or its designee, and in accordance with the Land Use Article of the Annotated Code of Maryland, comments shall be requested from the review agencies included in the Technical Evaluation Group (TEG) as maintained by the Department of Planning & Zoning. |  |
| 4-2.04 | <u>Expiration of Site Plan Approvals and Vesting</u>   |  |
|        | A.   | <u>Expiration of Site Plan Approvals</u>   |
|        |  | The following expiration provisions shall apply to all site plan applications, including site plan applications submitted prior to the effective date of this section of the Ordinance (Adoption Date).  |



|  |    |         |  |   |
|--|----|---------|--|---|
|  |    | 1.      | Conceptual Site Plans (Category I and Category II)   |   |
|  |    | a.      |  | An application for a conceptual site plan shall expire 12 months after it has been accepted for review unless conditional approval has been granted by the Planning Commission or its designee.   |
|  |    | b.      |  | Approval of a conceptual site plan shall expire 12 months after it has been granted approval, unless a detailed site development plan application has been accepted by the Department of Planning & Zoning for distribution and review.   |
|  |    | 2.      | Detailed Site Development Plans (Category I and Category II)   |   |
|  |    | a.      |  | An application for a detailed site development plan shall expire 24 months after it has been accepted for review, unless final approval is granted.   |
|  |    | b.      |  | Detailed site development plans shall expire 36 months after obtaining final approval, unless the criteria for vesting through construction as set forth under Section 4-2.04.B.1.a.-c. has been met.   |
|  |    | c.      |  | If final approval of a detailed site development plan application is delayed due to the inadequacy of public schools or roads, expiration of the application shall be tolled during the period of inadequacy, or as required to meet Adequate Public Facilities in Section 7-1.05 or Section 6-10.01. |
|  |    | d.      | Extensions of Conceptual and Site Development Plan Approvals   |   |
|  |    | i.      |  | One 12-month extension to only one of the time periods listed in Section 4-2.04.A.1.a.-b. and Section 4-2.04.A.2.a.-b., may be granted by the Planning Commission, or its designee, for circumstances beyond the control of the applicant.  |
|  |    | ii.     |  | A request for extension shall be submitted, in writing, prior to the expiration date of the applicable time period.   |
|  |    | iii.    |  | If an extension of a time period described in sub-paragraph d.i. above is granted, the vesting period provided in sub-section B.1 below, shall be extended for a like period.   |
|  | B. | Vesting |  |   |
|  |    | 1.      | Vesting Through Construction. At the end of the 36-month period described in sub-section A.2.a. above, the applicant shall be vested in the detailed site development plan if:                                   |   |
|  |    | a.      |  | There is actual physical commencement of some significant and visible construction;   |
|  |    | b.      |  | The commencement must be undertaken in good faith with the intention to continue the construction and to carry it through to completion in a commercially reasonable manner; and  |
|  |    | c.      |  | The commencement of construction must be pursuant to all necessary permits that have been validly issued.   |
|  |    | 2.      | One 12-month extension to meet the vesting criteria described in sub-section A.1.a.-c. above, may be granted by the Planning Commission, or its designee, for circumstances beyond the control of the applicant. |   |
|  |    | 3.      | Grandfathered Detailed Site Development Plans  |   |
|  |    | a.      |  | A grandfathered Category I detailed site development plan that has received conditional approval or a grandfathered Category II detailed site development plan that has received final approval shall be valid for 24 months after the effective approval date.                                       |

|        |  |   |   |
|--------|--|---|---|
|        |  | b.  | The grandfathered rights granted by this sub-section apply only to the regulations applied to and incorporated in the detailed site development plan and not to any regulations that may have been superseded after the grant of approval.  |
|        |  | c.  | A grandfathered Category I detailed site development plan that has not received conditional approval or a grandfathered Category II site plan that has not received final approval shall lose the grandfathered rights granted by this sub-section immediately upon the enactment of this provision (date of adoption).   |
|        |  | d.  | No vesting extensions shall be granted to grandfathered detailed site development plans.  |
|        | C.   | Phased Development                                |   |
|        |  | 1.  | If a development is to be constructed in sections or phases, then those sections or phases must be shown on the detailed site development plan for review and approval. The sections or phases shall be numerically labeled and included in the Sequence of Construction.   |
|        |  | 2.  | Bonding for the development may be in whole or by phase, provided that the bonding amounts adhere to the approved Phasing Plan.   |
|        |  | 3.  | If an applicant wishes to amend the phasing plan or Sequence of Construction after final approval is obtained, a revised detailed site development plan must be submitted to the Department of Planning & Zoning for review and approval pursuant to Section 4-2.05.  |
|        |  | 4.  | Building and grading permits may be issued so that two or more sections or phases are concurrently under active construction, unless prohibited by detailed site development plan approval.   |
|        |  | 5.  | Each phase shall be vested separately by meeting the requirements pursuant to Section 4-2.04.B.1.   |
|        |  | 6.  | All supplemental plans must be consistent with the approved phasing plan.   |
| 4-2.05 | <u>Modifications after Approval of a Category I and Category II Detailed Site Development Plan</u> |   |   |
|        | A.   | Modifications to Site Plans After Final Approval: |   |
|        |  | 1.  | Proposed modifications to any approved site plan shall be submitted to the Planning Commission Administrator.   |
|        |  | 2.  | The Planning Commission Administrator shall determine if the modification is major or minor. A minor modification is a modification that does not change the intensity of the use or alter the traffic pattern. A major modification is a modification that changes the intensity of the use, or alters the traffic pattern, or both.   |
|        |  | 3.  | If an approved detailed site development plan is to be modified, the applicant shall submit new plans showing the proposed modification in "red-line" to the Department of Planning & Zoning, which shall distribute the new plans to the appropriate agencies for comments. The proposed modification shall be considered and approved or rejected by the Planning Commission Administrator. If the proposed revision is a major modification to an approved conceptual site plan or approved detailed site development plan, then the Planning Commission Administrator shall refer the modified plan to the Planning Commission for consideration and, if appropriate, approval. |
|        |  | 4.  | Prior to the release of bonds and/or issuance of use and occupancy permits, an "as-built" is required to be submitted to the Department of Planning & Zoning.   |



BK 0061PG0020

|               |   |
|---------------|---|
| <b>4-4</b>    | <b><i>PLAN PREPARATION</i></b>  |
| <b>4-4.01</b> | <b><u>Site Plans (Conceptual and Detailed Site Development Plans)</u></b>   |
|               | Section 4-2.01 lists the types of projects that require site plans. The Department of Planning & Zoning shall provide a detailed checklist of all items to be submitted with conceptual and detailed site development plan applications.  |
| <b>4-5</b>    | <b><i>APPEALS</i></b>   |
|               | Upon request, decisions of the Planning Commission Administer shall be reviewed by the Planning Commission prior to filing for an appeal. Appeals of decisions of the Planning Commission shall be noted in the Circuit Court of Calvert County. Appeals to Circuit Court shall be made in accordance with the Maryland Rules as set forth in Title 7, Chapter 200 within 30 days of the final decision of the Planning Commission. |

|               |  |
|---------------|--|
| <b>5-1.12</b> | <b><u>Parking Requirements for Residential Development</u></b>   |
|               | <b>TABLE 5-6 MINIMUM NUMBER OF PARKING SPACES REQUIRED</b>   |
|               | <sup>13</sup> The Planning Commission or its designee, may grant a reduction in the number of parking spaces required for single-family attached dwelling developments for an Age-Restricted Housing Community or an Affordable Housing Community if the community is located within a Town Center that is served by a public transportation system. |

|               |  |
|---------------|--|
| <b>5-5</b>    | <b><i>AGE-RESTRICTED HOUSING COMMUNITIES</i></b>   |
| <b>5-5.01</b> | <b><u>General Requirements for Age-Restricted Housing Communities</u></b>  |
|               | A. Single-family Age-Restricted Housing Communities shall comply with the requirements for standard subdivisions with regard to lot density, lot size, setbacks, etc. contained in this Article and Article 7, Subdivision Regulations.  |
|               | B. Townhouse, Single-family Attached, Multi-family, and Mixed Residential Age-Restricted Housing Communities shall comply with Section 5-3.  |
|               | C. The following additional requirements shall apply to Age-Restricted Housing Communities:  |
|               | 1. The development shall include at least 20 residential units.  |
|               | 2. All units shall be either handicapped accessible or handicapped adaptable.  |
|               | 3. Covenants shall be placed on the property that specify the age-restricted nature of the proposed community. Such covenants shall require the prior approval of the Board of County Commissioners and the Planning Commission or its designee, and shall be in accordance with the Federal Fair Housing Act, 42 U.S.C. § 3601 et seq., the Maryland Fair Housing Law, Md. Code Ann., Art. 49B, § 19 et seq., and this Zoning Ordinance, as amended from time to time. The covenants shall provide: |

|               |   |
|---------------|---|
| <b>6-4</b>    | <b><i>PEDESTRIAN/ VEHICULAR FLOW</i></b>  |
| <b>6-4.01</b> | <b><u>Site Access</u></b>   |
|               | Site access shall be subject to the following regulations in order to help ensure traffic safety and alleviate traffic congestion. The proposed development shall be served by access roads adequate to safely accommodate the vehicular traffic projected to be generated by the development.                            |
|               | A. Where property abuts an arterial and a secondary or collector road, access to the property shall be by way of the secondary or collector road. Exceptions to this rule shall be instances where the Planning Commission or its designee, determines that direct access onto the arterial would promote traffic safety. |

|  |    |  |   |
|--|----|--|---|
|  | B. | Where one or more contiguous parcels abutting an arterial are under single ownership and any one of the parcels abuts a secondary or collector road, access to all of the parcels under single ownership shall be by way of the secondary or collector road. |   |
|  | C. | No more than one direct access approach onto an arterial road shall be provided to any individual parcel of record as of May 8, 1984.  |   |
|  |    | 1.   | Exceptions:   |
|  |    | a.   | The Planning Commission or its designee may, with approval by the State Highway Administration, approve one additional access if the additional access is deemed to be significantly beneficial to the safety and operation of the highway or if allowing only one access approach would be a safety hazard or increase traffic congestion. |
|  |    | b.   | The Planning Commission or its designee, may approve additional access when the parcel is bisected by steep slopes and/or wetlands in such a manner as to render some portion(s) of the property inaccessible without additional road access.   |

|        |   |  |   |
|--------|---|--|---|
| 6-5.04 | <b>Landscaping and Screening of Parking Areas</b> |  |   |
|        | A.  | Perimeter Landscaping and Screening of Parking Areas |   |
|        |   | 1.   | Purpose: The purpose of requiring perimeter landscaping and screening is to conceal or partially conceal parking areas and outdoor sales areas such as motor vehicle and boat dealerships from motorists, pedestrians and adjoining properties. The view into a parking area without landscaping can be unsightly and disorienting, making it difficult to read directional signs, to locate a specific building, or to find entrances, exits or roadways.  |
|        |   | 2.   | Requirements:   |
|        |   | a.   | Parking areas shall be landscaped and screened from view of motorists, pedestrians and adjoining residential or agricultural properties or properties with a non-compatible use.  |
|        |   | b.   | Planting materials shall be installed at a minimum height of two feet to three feet utilizing a combination of shrubs with varying heights, colors, and textures. The planting materials shall have the potential of reaching a height of at least three feet within three years.   |
|        |   | c.   | Brick walls or decorative fencing may be used in conjunction with landscaping and screening.  |
|        |   | d.   | If a landscaped berm is used, the height of the berm shall be a minimum of two feet. The width of the berm shall be at least twice the height. The width of the landscaped area on the berm shall be four feet or wider.  |
|        |   | e.   | A minimum of one tree shall be planted for every 40 linear feet of landscaped perimeter strip or fraction thereof.  |
|        |   | f.   | Perimeter screening shall not restrict sight distance needed for vehicular safety.  |
|        |   | g.   | Sites shall be permanently maintained in good condition with at least the same quality and quantity of screening materials as initially approved. If any of the plant materials required on the final approved detailed site development plan die or are seriously damaged, they shall be replaced so that the site remains in conformance with the approved site plan. Failure to maintain the site in accordance with the final approved detailed site development plan shall constitute a Zoning |



|  |  |  |  |   |
|--|--|--|--|---|
|  |  |  |  | Violation and shall be enforced in accordance with the provisions of Section 1-7 of this Ordinance. |
|--|--|--|--|---|

|        |                                     |                        |  |  |
|--------|-------------------------------------|------------------------|--|--|
| 6-6.01 | <u>Outdoor Lighting Regulations</u> |                        |  |  |
|        | E.                                  | <u>Plan Submission</u> |  |  |
|        |                                     | 1.                     | For applications where site lighting is required or proposed, lighting plans shall be submitted to the Department of Planning & Zoning for review and approval prior to approval of the detailed site development plan, plot plan, or building permit, and shall include:  |  |
|        |                                     | a.                     | A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting, and a layout of all proposed fixtures by location, mounting height and type. The submittal shall include in addition to area lighting, architectural lighting, building-entrance lighting, landscape lighting, etc. |  |
|        |                                     | b.                     | Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods. A pole foundation detail is to be provided on the plan.   |  |
|        |                                     | c.                     | 10 feet x 10 feet illuminance-grid (point-by-point) plot of maintained footcandles, carried out to 0.0 footcandles, which demonstrates compliance with the light trespass, intensity and uniformity requirements as set forth in these regulations. The maintenance (light-loss) factor used in calculating the illuminance levels shall be documented on the plan.  |  |

|        |   |  |  |  |
|--------|---|--|--|--|
| 6-7    | <b>APPEARANCE CODE FOR NON-RESIDENTIAL DEVELOPMENT OUTSIDE TOWN CENTERS</b> |  |  |  |
| 6-7.02 | <u>Review Process</u>   |  |  |  |
|        | A.  | Building elevations, demonstrating that the above criteria have been met, shall be submitted with all Category I detailed site development plans for review and approval by the Planning Commission's designee.                  |  |  |
|        | B.  | Building elevations, demonstrating that the above criteria have been met, shall be submitted with all Category II detailed site development plans for review and approval by the Planning Commission's designee.                 |  |  |
|        | C.  | Projects that are subject to architectural review and approval shall obtain the necessary approvals for all applicable exterior elements (except for signage), prior to receiving final detailed site development plan approval. |  |  |

|         |  |                |  |  |
|---------|--|----------------|--|--|
| 6-10    | <b>ADEQUATE PUBLIC FACILITIES REQUIREMENTS</b>   |                |  |  |
| 6-10.01 | <u>Adequate Public Facilities Requirements for Commercial and Industrial Development</u> |                |  |  |
|         | A.   | <u>General</u> |  |  |
|         |  | 1.             | The Planning Commission or its designee may grant final detailed site development plan approval of a commercial or industrial development of land subject to these regulations either in its entirety or by section only if it finds that: |  |

BK0061PG0023

|  |    |  |   |
|--|----|--|---|
|  |    | a.   | all roads and intersections identified by the Director of the Department of Public Works (DPW) or his designee are adequate; or                                   |
|  |    | b.   | roads and intersections will be adequate within one year following final site plan approval; or   |
|  |    | c.   | the applicant mitigates the impact of the development (as determined by the Director of DPW or his designee) in accordance with paragraphs 'C.2' and 'C.3' below. |
|  | 2. | This requirement does not apply to those developments that are exempt as described in Sub-Section 'C' or that receive a waiver under Sub-Section 'D' of this Section.  |   |
|  | B. | Traffic Study Required   |   |
|  | 1. | The proposed commercial or industrial development shall be served by roads and intersections that are adequate to safely accommodate the vehicular traffic projected to be generated by the development.   |   |
|  | 2. | At the applicant's expense, a traffic study conducted by a Registered Professional Engineer and approved by the Director of DPW or his designee, is required for all commercial and industrial developments as specified in the Calvert County Road Ordinance. If the Director of DPW or his designee determines that a traffic study is required, the traffic study shall be submitted and approved prior to approval of the detailed site development plan application by the Planning Commission or its designee. |   |
|  | 3. | The Director of DPW or his designee shall determine whether the traffic study was properly submitted and shall provide recommendations as to whether all the roads and intersections are adequate.   |   |

| 12                                 | DEFINITIONS  |
|------------------------------------|--|
| <u>Term</u><br>(Date of Amendment) | <u>Definition</u>  |
| Vested Right                       | A right that is protected from legislative interference to the extent that an applicant may develop a site plan without the plan having to conform to changes to zoning and development regulations enacted after conceptual or final approval as the case may be. |
| Grandfathered Site Plan            | A conceptual or detailed site development plan application that has been permitted or approved by prior legislation to proceed under regulations that have been superseded.  |
| Effective Approval Date            | Date stamped by Planning Commission Administrator on Final Site Plan.  |
| As-built                           | Set of plans submitted upon completion of a project. They reflect all changes made in the specifications and working drawings during the construction process, and show the exact dimensions, geometry, and location of all elements of the work completed.        |